



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

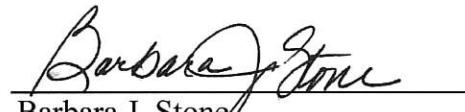
OF BOARD OF APPEALS

RE: Case No. V-110-18 Miguel Monterroso

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: November 28, 2018.

CERTIFICATE OF SERVICE

This is to certify that on December 12, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPCC, Permit Review Section
DPIE/Building Code Official, Permitting
Ernesto Luna, Spanish Language Interpreter

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Miguel Monterroso

Appeal No.: V-110-18

Subject Property: Lot 12, Block 24, Ward's Addition to Columbia Park Subdivision, being 1801 Columbia Avenue, Landover, Prince George's County, Maryland

Spanish Language Interpreter Service: Ernesto Luna

Heard: November 14, 2018; Decided: November 28, 2018

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting variances from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth and Section 27-120.01(c), which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to construct a covered front porch, a driveway in the front yard and a 6-foot wooden fence. A variance of 3 feet front yard depth and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1950, contains 12,291 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. The property is a corner lot, with the dwelling facing the legal front street and the side street being unimproved. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. Petitioner would like to construct a 15' x 27' driveway, part of which would be located in front of the dwelling. As Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the area of the front yard between the front street line and the sides of the dwelling, a waiver of the parking area location requirement was requested. Exhs. 2, 3 and 5 (A) thru (M).

3. Petitioner would also like to construct a 4' x 30.2' covered front porch and a 6-foot wooden fence along the side and rear lot lines. A variance of 3 feet front yard depth for the porch was requested. Exhs. 2, 3 and 5 (A) thru (M).

4. Petitioner Miguel Monterroso explained that the current driveway is old and made of asphalt. He stated that he would like to replace the driveway with cement and expand the driveway to park two vehicles. He stated that he would like to add the extension because of the limited number of on-street parking spaces near his home and to provide protection of his vehicles. He proposed to remove that portion of the driveway extending to the side steps and replace it with grass with a walkway. Exhs. 2, 3 and 5 (A) thru (M).

5. Upon examination, he stated that the combined driveway portions will actually be 25 feet in width and 27 feet in length. (The site plan indicates 15 feet in width and 27 feet in length which is too small to fit two cars). Exh. 2.

6. The Petitioner explained that the covered front porch will go from the window to the other end and not the full length of the house. (The site plan indicates that the proposed covered porch will run the full width of the house.) Exhs. 2 and 5 (A) thru (M).¹

Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance does not comply with the applicable standards set forth in Section 27-230, more specifically:

1. Petitioner did not provide evidence of any exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of the subject property.
2. Petitioners purported explanations of the proposed work to be performed did not comport with the site plan submitted.
3. Further, when the Board requested Petitioner to submit a revised site plan, he removed himself from the hearing.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that a variance of 3 feet front yard depth and a waiver of the parking area location requirement in order to construct a 4' x 30.2' covered front porch, a 15' x 27' driveway in the front yard and a 6-foot wooden fence on the property located at Lot 12, Block 24, Ward's Addition to Columbia Park Subdivision, being 1801 Columbia Avenue, Landover, Prince George's County, Maryland, be and are hereby DENIED.

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson
BJS

NOTICE

¹ When the Petitioner was advised that a revised plan demonstrating the correct driveway dimensions and correct porch dimension were necessary before the Board could render a decision, Mr. Monterroso left the hearing.

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

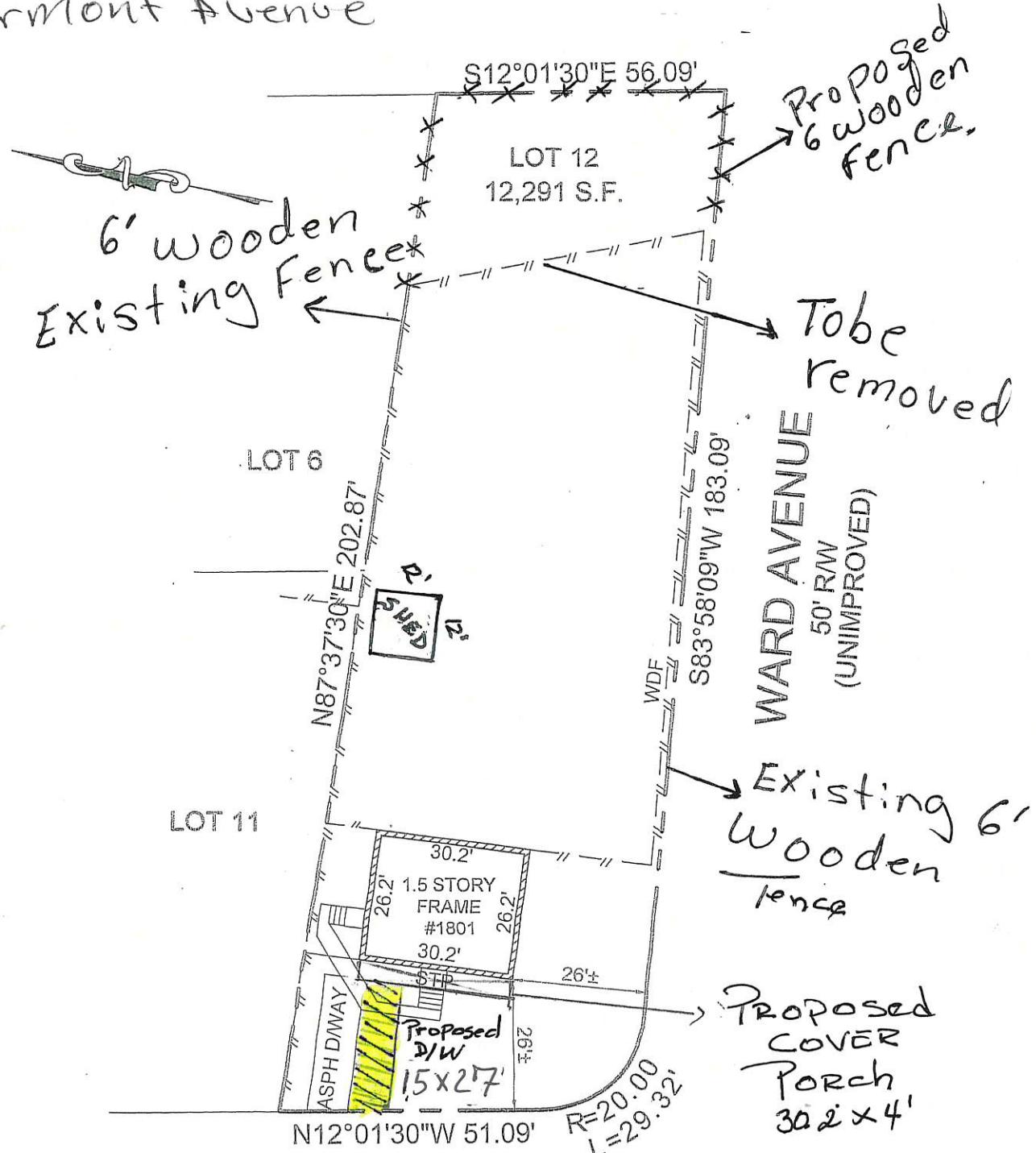
Further, Section 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.

LOCATION DRAWING

ADDRESS: 1801 COLUMBIA AVENUE
LANDOVER, MD 20785

Vermont Avenue



COLUMBIA AVENUE
50' R/W

NOTES:

1. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING.
2. THIS LOCATION DRAWING IS NOT TO BE USED FOR BUILDING OF FENCES OR OTHER IMPROVEMENTS.
3. THIS LOCATION DRAWING IS NOT TO BE RELIED UPON FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.
4. LEVEL OF ACCURACY IS 2'±.
5. A BOUNDARY SURVEY IS RECOMMENDED TO ACCURATELY LOCATE IMPROVEMENTS ON PROPERTY.

EXH. # 2
V-110-78

DRAWN BY: SEP

SURVEYOR'S CERTIFICATE

LAND PRO ASSOCIATES, LLC.

9900-E GREENBELT ROAD SUITE 334
LANHAM, MD 20706
PHONE 301-368-1944
FAX 301-794-8751
LANDPRO@MAIL.COM

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ONLY, AND THE PROPERTY CORNERS HAVE NOT BEEN ESTABLISHED OR SET, UNLESS OTHERWISE NOTED. WE ASSUME NO RESPONSIBILITY, OR LIABILITY FOR ANY RIGHT-OF-WAYS ON THE RECORD OR EASEMENTS RECORDED OR UNRECORDED NOT APPEARING ON THE RECORD OR MENTIONED IN THE DEED REFERRED TO HEREON. NO TITLE REPORT WAS FURNISHED.



LOCATION DRAWING
WARD'S ADDITION TO COLUMBIA PARK
LOT 12 BLOCK 24
BOOK 29410 PAGE 448
PLAT BOOK 18 PAGE 48
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1" = 30'
DATE: 12/21/15

PROFESSIONAL SEAL

DATE

FILE: #1801 COLUMBIA AVENUE

CASE: # MD15-3954

